

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18133 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- SAHODARA District- West Champaran

Lal Babu Das S/o Late Kodai Das R/o village- Bhikhnathori, P.S.- Sahodara,
District- West Champaran, Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Chandra, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sahodra P.S. Case No.94 of 2021 instituted under Section
414 of the Indian Penal Code and Section 8/20(b),(ii)
(b),8/20(b),(ii)(c) of the NDPS Act.

The allegation in the FIR is that the police intercepted
the accused persons and it is alleged that 9.700 Kgs. of '*Ganja*'
was recovered/seized from them, as they failed to provide any
valid document, the same was recovered/seized and the accused
were taken into custody.

Learned counsel for the petitioner submits that even
going by the contents of the FIR the seized '*Ganja*' does not



belong under the commercial quantity as per the NDPS Act. He further submits that a perusal of the FSL report would show that the description made by it attributes the same to be 'Bhaang' and not 'Ganja'. He says that even otherwise he has suffered by being in jail since 22.10.2021 (as stated in para-15 of the bail application).

Taking into account the fact that, charge-sheet stand submitted, the petitioner is in custody since 22.10.2021, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each in connection with Sahodra P.S. Case No.94 of 2021 to the satisfaction of learned Additional District Judge-IX, West Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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